



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

May 24, 2000

The Honorable John M. Shimkus
U.S. House of Representatives
513 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

The *NPRM* represents one step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, the *NPRM* addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, such as apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities.

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I appreciate your interest and participation in this proceeding. We have placed your letter in the record of this proceeding and will give it full consideration along with all other comments. Please let me know if I can be of further assistance.

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William E. Kennard
Chairman



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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

May 24, 2000

The Honorable Barbara Cubin
U.S. House of Representatives
1114 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Cubin:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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William E. Kennard
Chairman



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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

May 24, 2000

The Honorable Dave Camp
U.S. House of Representatives
137 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Camp:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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William E. Kennard
Chairman



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WASHINGTON
May 24, 2000

The Honorable Wally Herger
U.S. House of Representatives
2433 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Herger:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
May 24, 2000

The Honorable Phil English
U.S. House of Representatives
1410 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman English:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 24, 2000

The Honorable George Radanovich
U.S. House of Representatives
123 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Radanovich:

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William E. Kennard
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WASHINGTON

May 24, 2000

The Honorable Tony P. Hall
U.S. House of Representatives
1436 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Hall:

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
May 24, 2000

The Honorable Richard W. Pombo
U.S. House of Representatives
2411 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Pombo:

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The Honorable James A. Barcia
U.S. House of Representatives
2419 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Barcia:

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I appreciate your interest and participation in this proceeding. We have placed your letter in the record of this proceeding and will give it full consideration along with all other comments. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Kennard". The signature is fluid and cursive, with the first name "William" and last name "Kennard" clearly distinguishable.

William E. Kennard
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

May 24, 2000

The Honorable Ken Calvert
U.S. House of Representatives
2201 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Calvert:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

The *NPRM* represents one step in the Commission's ongoing efforts to foster competition in local telecommunications markets pursuant to Congress' directive in the Telecommunications Act of 1996. These efforts are intended to bring the benefits of competition, choice, and advanced services to all consumers of telecommunications, including businesses and residential customers, regardless of where they live or whether they own or rent their premises. In particular, the *NPRM* addresses issues that bear specifically on the availability of facilities-based telecommunications competition to customers in multiple tenant environments, such as apartment buildings, office buildings, office parks, shopping centers, and manufactured housing communities.

The purpose of this proceeding is to explore broadly which actions the Commission can and should take to promote facilities-based competition to the incumbent local exchange carriers (ILECs). The item seeks comment on a wide range of potential Commission actions, in most instances without reaching any specific conclusions. For example, the item neutrally seeks comment on the legal and policy issues raised by a possible requirement that building owners who allow one or more telecommunications carriers access to facilities that they control make comparable access available to other carriers on a nondiscriminatory basis. The item also requests comment on whether the Commission can and should extend to providers of telecommunications service rules prohibiting restrictions on the placement of antennas used for over-the-air reception similar to those adopted for video programming services under section 207 of the 1996 Telecommunications Act. In addition, the item proposes and seeks comment on potential obligations on ILECs and other public utilities to permit access to their in-building facilities under certain provisions of the Communications Act of 1934. Finally, the *NPRM* seeks

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William E. Kennard
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

May 24, 2000

The Honorable E. Clay Shaw, Jr.
U.S. House of Representatives
2408 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Shaw:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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William E. Kennard
Chairman



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON
May 24, 2000

The Honorable Walter B. Jones, Jr.
U.S. House of Representatives
422 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Jones:

Thank you for your letter regarding the Commission's initiative to promote the development of telecommunications competition in multiple tenant environments. On July 7, 1999, the Commission released its *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 99-217 and CC Docket No. 96-98. Among other issues, the *NPRM* sought comment on the Commission's authority to take action to ensure that competitive telecommunications service providers will have reasonable and nondiscriminatory access to rights-of-way, buildings, rooftops, and facilities in multiple tenant environments. In your letter, you express concern regarding both the underlying need for regulatory action and the constitutional Takings Clause implications of potential actions discussed in the *NPRM*.

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